

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

Bail Appl..No. 6513 of 2006

CRIME NO.497/2006 OF KALADY POLICE STATION

: PETITIONERS/ACCUSED

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1. MAJEESH, S/O. MONY, AGED 21 YEARS,
RESIDING AT MUNDACKAL HOUSE, KADAPPARA,
MALAYATTOOR.
 2. SUDHEESH, S/O. SUKU, AGED 21 YEARS,
RESIDING AT MULLASSERY HOUSE, -DO- -DO-
 3. JAISON, S/O. JOSE, AGED 20 YEARS,
RESIDING AT MUKKATHU HOUSE, -DO- -DO-

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. THE SUB INSPECTOR OF POLICE,
KALADY POLICE STATION, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10/11/2006, ALONG WITH BA NO. 6514 OF 2006 AND 6628/2006,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 6513, 6514 & 6628/2006

DATED THIS THE 10TH DAY OF NOVEMBER, 2006

O R D E R

All the petitioners are before this Court under Section 438 Cr.P.C, praying that they may be released on bail, in the event of their arrest, in crime No.497/2006 of Kalady Police Station, for the offence punishable under Section 379 IPC read with Section 34 IPC.

2. The facts available before me show that the accused Nos. 1 to 7 were in the habit of committing theft of diesel from the vehicles like tipper lorries and other vehicles and sell the same to others. On 17.9.2006, while they were stealing diesel, the persons in the nearby shed, switched on the light. Therefore, they had ran away from the place with the diesel and batteries, which they had stolen. Accused Nos. 1 and 2 were arrested and interrogated. Their disclosure statements were recorded by the Investigating Officer. It reveal the involvement of the other petitioners as well.

3. B.A.No.6513/2006 is filed by three petitioners, who are accused Nos. 3, 4 and 6. B.A.No.6514/2006 is preferred by the seventh accused and B.A.No.6628/2006 is preferred by the fifth accused in the same crime.

4. I heard the arguments advanced by the learned counsel for the petitioners as well as the learned Public Prosecutor. The counsel submitted that this is only a false case foisted against the petitioners.

5. The learned Public Prosecutor placed the C.D file before me. I had gone through the disclosure statements, in respect of the arrested accused Nos. 1 and 2.

6. In the above facts situation, I direct the petitioners to surrender before the Investigating Officer, who is investigating crime No.497/2006 of Kalady Police Station, on 17.11.2006 at 10.00 a.m.

7. The Investigating Officer shall interrogate the petitioners and thereafter, produce them before the Court below, according to the law.

8. The learned Magistrate shall allow the

petitioners to be on bail, imposing such conditions, as are deemed necessary.

These applications are disposed of as above.

J.M.JAMES
JUDGE

mrCS